

CHARGES AGAINST HON. CHARLES HAYS.

AUGUST 2, 1876.—Laid on the table and ordered to be printed.

Mr. LORD, from the Committee on the Judiciary, by unanimous consent, submitted the following

REPORT:

The Committee on the Judiciary, to whom were referred for investigation certain charges made against Charles Hays, a member of this House from the fourth congressional district of Alabama, relating to the appointment of Guy R. Beardslee as a cadet at the United States Military Academy, respectfully report :

The resolution suggests two subjects of inquiry :

First. Did the said Charles Hays "falsely certify to the Secretary of War that the said Beardslee had been an actual *bona-fide* resident of the said district for over two years previous to the nomination" of said Beardslee by said Hays ?

Second. Did the mother of said Beardslee pay to said Hays the sum of \$3,000 to obtain said nomination ?

As to the first inquiry, the committee report the following facts :

Mr. Hayes had made several nominations from his district for the United States Military Academy, which for various reasons had failed.

On the 4th of March, A. D. 1874, (page 18,) and, as the evidence tends to show, after the adjournment of the Congress, the said Hays nominated by writing the said Beardslee for an appointment as a cadet at said Military Academy, from the said congressional district, and certified that said Beardslee resided in "Choctaw," in the "county of Choctaw, State of Alabama," and that he had "been an actual *bona-fide* resident of the district for over two years."

At the time such certificate was made said Beardslee had never been in the State of Alabama, but was then in the city and State of New York, in which State he had always resided. That the said Hays delivered said certificate to one William Lilley, an attorney of the city of Washington, whose advertisements as to appointments to West Point had attracted the attention of Mrs. Beardslee, (pages 23, 31,) who took it to the city of New York, and delivered it to one Professor Charlier, who paid him \$3,000 therefor, and was afterward re-imbursed by Mrs. Beardslee, the mother of the said cadet.

On the back of said nomination is written in the handwriting of said Lilley, (pages 42, 45, 46,) "Residence, Blayden Springs, Choctaw, Alabama." (Page 62.)

Mr. Lilley testified that he told Mr. Hays that Mr. Beardslee "was a *bona-fide* resident of some spring (I forget the name) in Choctaw County, Alabama, and then he signed the certificate." (Page 14.)

Mr. John G. Stokes, who, during the Forty-third Congress, was

the clerk of Mr. Hays's committee, testified (page 57) that he heard said Lilley tell Hays that the boy resided in Blayden Springs, Choctaw County; also, that he, Lilley, told the witness so, and that the witness told Hays so.

Immediately after such certificate was given, said Beardslee went to the State of Alabama for the purpose of obtaining a residence.

On his way, as advised by Professor Charlier, he stopped at Washington to see said Lilley, (page 27.) He was asked to sign a certificate in blank, and to procure his mother's signature also in blank, which was afterward falsely filled up by said Lilley, by inserting that said Beardslee had actually resided in the fourth congressional district of Alabama for six years and eight months. Said Lilley also wrote a letter for said Beardslee to copy and sign, directed to the Secretary of War, under date of March 5, 1874, in which he makes said Beardslee state "my residence is Blayden Springs, Choctaw County, Alabama." (Page 63.)

In the written statement prepared and signed by Mr. Hays, and verified by him under oath, he states three times that Lilley told him that Beardslee lived in Choctaw County, Alabama. His last statement relating to it in such previously-prepared statement is: "I remember distinctly asking him where the boy lived, and he replied, in Choctaw County, Alabama." (Page 46.)

In his oral statement (page 47) he states that Lilley told him that Beardslee lived in Choctaw County, Alabama.

On page 48, after stating that he did not know that Lilley wrote on said nomination—

"Residence, Blayden Springs, Choctaw, Alabama," he is asked:

Q. Do you mean to testify that he made any other memorandum?—A. None that I remember of.

Q. I mean any other memorandum than the one on the back of the paper?—A. No, sir; not that I remember.

The nomination, it will be borne in mind, reads, as to residence, Choctaw, in the county of Choctaw. Mr. Hays, so far from saying this was an inadvertence, in contradiction of all the evidence affirms that Lilley wrote it on a piece of paper, and handed it to him.

At page 49 Mr. Hayes is asked:

Q. What led you to write in this certificate Choctaw, in the county of Choctaw?—A. I got it from the paper that Lilley handed me; that is the way I came to write it. I should not have written it there if I had not believed that there was such a place.

The evidence discloses that there is no such place as Choctaw in Choctaw County.

Mr. Hays is asked, (page 48:)

Q. Is there such a place as Choctaw, in Choctaw County, Alabama?—A. No, sir; I understand that there is not. I did not know it, however, at that time.

Mr. Lilley affirms the entire innocence of Mr. Hays; that he, Lilley, deceived him as to the residence of Beardslee, and that Mr. Hays believed the boy was an actual *bona-fide* resident of his district, (page 13.)

The evidence of young Beardslee has satisfied the committee that he was entirely sincere in the belief that it was sufficient to obtain admission to West Point that he should go from the State of New York after his nomination and reside in the State of Alabama sixty days. Assuming equal integrity on the part of Mr. Hays, it is evident that should they be introduced, so as to know each other and the relations in which they stood, an inquiry which one or the other would almost unavoidably make would expose the gross deception which Mr. Lilley, in his theory, was practicing upon them.

It would not be expected, therefore, that Mr. Lilley would voluntarily take the risk of introducing them to each other, not only because of such risk of exposure, but also because it would probably result in his being compelled to return the \$3,000 which he had received for concocting and carrying on, as he claims, this double falsehood; and yet the evidence discloses that, while young Beardslee was at his house in Washington at the time before stated, he told him he expected Mr. Hays on some business that morning, and that if he came he would introduce them. Mr. Hays came, and he did introduce them.

This, of course, was entirely safe if Mr. Hays understood the transaction, and knew that Beardslee was on his way to Alabama to attain, as he thought, a residence in that State. On the other hand, if Mr. Hays believed that Beardslee lived in Alabama, and thought, as he alleges, that he was then on his way from Alabama to New York, (page 49,) it would be expected that he would make some inquiry as to the time he left Alabama, or about his friends, or some other inquiry, indicating that he felt at least some remote degree of interest in his *protégé*. But if he (Hays) knew the real facts, and that his *protégé* did not, his only safety was in the absolute silence which he maintained, except that he said, "I hope you will pass, as several others have failed." (Pages 25, 27, 48.) Mr. Hays (page 48) gives as a reason for asking no questions that he expected to see the young man again here in town, but admits that he made no inquiry as to where he was stopping, or how long he would remain, or anything on the subject.

In regard to the testimony of Mr. Stokes, that he told Mr. Hays that Beardslee lived in Choctaw County, it appears from his own statement not only that he knew nothing except what he heard Mr. Lilley say, (pages 56, 57,) but Mr. Hays admits (page 47) that Stokes had no knowledge excepting through Lilley.

Mr. Hays is asked—

Q. Did Mr. Stokes profess to know anything about it besides what Mr. Lilley told him?—A. He only said that Lilley said that the boy was a resident of Choctaw County, Alabama, and that he was satisfied that he was.

Q. Did Stokes claim to know anything about it of his own knowledge?—A. No, sir; nothing that I know of, except through Lilley.

The necessity which Mr. Hays now feels for other representations than those made by Mr. Lilley, is evidenced by that part of his prepared statement in which he alleges:

About this time I made the recommendation and certified to his actual residence in the fourth congressional district of Alabama, because, from the representations of Lilley and Stokes, I believed it true.

And yet his cross-examination just above stated shows that he had no information except from Lilley.

In regard to the second inquiry, the committee report that there is not sufficient evidence to show that Mr. Hays shared in the three thousand dollars taken from Mrs. Beardslee for the appointment of her son.

So far as Mrs. Beardslee is concerned, she evidently had no knowledge that she was violating the law, and the same may be said of Professor Charlier. (See pages 8, 9.)

As to young Beardslee, there is no evidence but that he has acted in perfect good faith.

As regards Mr. Lilley, who claims to have practiced as an attorney here in Washington for many years, and who advertised that he could procure appointments, such a suggestion can hardly be made; on the contrary, from his own statements it is evident that he saw no way to get the three thousand dollars except through a system of gross decep-

tion, by procuring blank signatures, and then filling the blanks with statements utterly false.

In regard to Mr. Hays, the committee report that, while the evidence may not be sufficient to find that he willfully made a fraudulent certificate, it still excites grave suspicions, and shows in any possible view a carelessness which ought not to be tolerated.

Giving Mr. Hays the benefit of his own statement, the most that can be said in his favor is that, with the fullest opportunity to ascertain the truth, he chose to rely upon the statement of Lilley, who he knew had no acquaintance or interest in his State, and had every reason to suppose was acting for a consideration. If Mr. Hays did not know the certificate was entirely false, he is certainly censurable for signing it on evidence so barren and so suspicious. But, taking the testimony all together, this committee recommend that no further action be taken in the case.

VIEWS OF CERTAIN MEMBERS OF THE JUDICIARY COMMITTEE.

The undersigned entirely concur in the conclusion of the committee that no further action be taken in this case, but dissent from what purports to be the report of the majority, in so far as it in any way reflects upon the honor or integrity of Mr. Hays.

The investigation of the case has been of the most thorough and searching character. Every witness who could by possibility know anything of the facts of the case, has been examined, cross-examined, re-examined; some of them recalled and again subjected to the most rigid examination; every trail that might lead to a disclosure of some improper conduct on the part of Mr. Hays has been followed to the end: no pains has been spared by the committee to get the truth. After this thorough sifting of the case we desire to place it upon record that, in our judgment, there is no evidence that Mr. Hays knew, or had reason to believe, that young Beardslee was not a *bona-fide* resident of his district at the time he nominated him, nor is there any evidence whatever that he received or was to receive, directly or indirectly, any consideration whatever for this appointment. On the contrary, the evidence is clear, explicit, direct, and emphatic, that he never received anything whatever, directly or indirectly; nor was he, directly or indirectly, promised anything.

Mr. Hays had made nominations before this one of cadets to West Point. Some had failed in the examination; one had declined. There was a vacancy to be filled from his district, and one Lilley, with whom he had been acquainted for some years, requested him to appoint young Beardslee, representing the latter to be a *bona-fide* resident of Choctaw County, in Mr. Hays's district, and the son of a widow. John G. Stokes, who was clerk of the committee of which Mr. Hays was chairman, also made the same representation. Mr. Hays knew nothing of young Beardslee, and acted solely upon representations as to his residence, and it is nothing to his discredit that he did so. He represents a large district composed of fourteen counties. Choctaw is a remote county in that district, remote from railroad communication, in which Mr. Hays had never been but twice in his life, and then only very briefly, and he had scarcely a personal acquaintance in it. It is not, therefore, surprising that he should have acted upon the statements made by others as to the residence of young Beardslee. In making this nomination, Mr. Hays described Beardslee as of Choctaw, of the county of Choctaw, in the State of Alabama, and as having been a *bona-fide* resident of the district for over two years. In doing so he acted upon the representations made to him, as he might properly do, and the fact that he was unacquainted in the county, and lived remote from it, is ample excuse for his action in that behalf.

Lilley received \$3,000 for procuring this appointment, but there is not only no reason to suspect that Mr. Hays received any part of that money, but there is also no reason to suspect that he had the slightest knowledge that Lilley was being paid for what he was doing.

In looking over this whole case, we find it to be due to Mr. Hays as a

matter of justice to say that there is no evidence to sustain the charges affecting his honor or integrity.

WM. P. FRYE.
WM. LAWRENCE.
GEO. F. HOAR.
FRANK H. HURD.
GEO. W. McCRARY.

By request of the above, I annex a copy of the records of the committee, showing that only four of its members sustained what purports to be the report of the majority.

WM. P. FRYE.

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 19, 1876.

In the Committee on the Judiciary :

Mr. Lord called up his report in the matter of Hon. Charles Hays. After lengthy discussion the report was adopted by the following vote:

Ayes, Messrs. Knott, Ashe, Lord, and Caulfield—4.

Noes, Messrs. Hurd and Lawrence—2.

Excused, Mr. Lynde—1.

Absent, Messrs. Hunton, McCrary, Frye, and Hoar—4.

I certify the above to be a true copy of the proceedings of the Judiciary Committee on July 19, 1876, in the case of Charles Hays.

CHARLES WICKLIFFE BECKHAM,
Clerk Judiciary Committee, House of Representatives.

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